

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JONATHAN TAMPICO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-12500-NMG
	)	
UNITED STATES,	)	
	)	
Defendant.	)	

ORDER

GORTON, District Judge.

On July 13, 2005, the Court granted motion of plaintiff Jonathan Tampico, currently incarcerated at a federal penitentiary in Lewisburg, Pennsylvania, to proceed without prepayment of the \$150.00 fee assessed for commencing a civil action.<sup>1</sup> Pursuant to 28 U.S.C. § 1915(b), the Court assessed an initial filing fee of \$5.19, with the remaining \$144.81 to be collected in accordance with 28 U.S.C. § 1915(b)(2).

On July 25, 2005, Tampico filed a Motion to Forgive or Delay Collection of Court Fees, in which Tampico requests that “the court either forgive or delay his payment of Court fees, under [the Prison Litigation Reform Act].” Mot. at 1. Tampico states that, prior to this Court’s July 13, 2005 order, he was already paying sixty-percent of his income for filing fee assessments in three other lawsuits. Tampico maintains that “[a]dding another 20% encumbrance will reduce Plaintiff’s usable income to \$6.00 a month; an amount insufficient to cover the postage and other costs necessary to pursue his legal burden.” Mot. at 1-2. Tampico refers the Court to Whitfield v. Scully, 241 F.3d 264, 276-78 (2d Cir. 2001), and Lafauci v. Cunningham, 139 F. Supp. 2d

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<sup>1</sup>Tampico filed the complaint in this matter on November 12, 2004, when the applicable filing fee was \$150.00

144, 147 (D. Mass. 2001) (Tauro, J.), in which the courts held that the simultaneous collection of multiple filing fee could infringe on a prisoner's right of access to the courts.

This Court shares the concern of the Whitfield and Lafauci courts in regards to the effect that the simultaneous collection of multiple filing fees might have on a prisoner's access to the courts. Because this action is "last in line" in regards to the four court orders in effect requiring Tampico to make filing fee payments under the Prison Litigation Reform Act,<sup>2</sup> the Court GRANTS Tampico's motion that the Court delay the collection of payments towards the filing fee in this action.

ACCORDINGLY, it is hereby ordered that the collection of the fee for this action be delayed until the plaintiff has paid all filing fees required by any pre-July 13, 2005 order of another federal district court.

The Clerk shall send a copy of this order to the treasurer of the institution having custody of the plaintiff.

SO ORDERED.

9/23/05  
DATE

Nathaniel M. Gorton  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>An electronic review of the dockets of the federal district courts indicates that the cases in Tampico v. Lappin, C.A. No. 04-02340-YK (M.D. Pa.), Tampico v. Sadowski, C.A. No. 2701-YK (M.D. Pa.) and Tampico v. Executive Office for United States Attorneys, C.A. No. 02285-ESH (D.D.C. ), entered filing fee orders prior to July 13, 2005.